



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



January 22, 2014

Richard J. Bruckner  
Director

Raymundo Carreno  
6618 Holmes Avenue  
Los Angeles, CA 90001

**REGARDING: PROJECT NO. R2006-00968-(2)**  
**CUP NO. 200600065**  
**6618 Holmes Avenue, Los Angeles, CA (APN 6009-022-006)**

Hearing Officer Alex Garcia, by his action of **January 21, 2014**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **February 4, 2014. Appeals must be delivered in person.**

**Appeals:** **To file an appeal, please contact:**  
Regional Planning Commission, Attn: Commission Secretary  
Room 1350, Hall of Records  
320 West Temple Street, Los Angeles, CA 90012  
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Shaun Temple of the Zoning Permits West Section at (213) 974-6443, or by email at [stemple@planning.lacounty.gov](mailto:stemple@planning.lacounty.gov). Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,  
DEPARTMENT OF REGIONAL PLANNING  
Richard J. Bruckner

  
Mi Kim, Supervising Regional Planner  
Zoning Permits West Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)  
c: DPW (Building and Safety); Zoning Enforcement

MKK:SCT

CC.060412

**FINDINGS AND ORDER OF THE HEARING OFFICER  
COUNTY OF LOS ANGELES  
PROJECT NO. R2006-00968-(2)  
CONDITIONAL USE PERMIT NO. 200600065**

1. **ENTITLEMENT REQUESTED.** The applicant, Raymundo Carreno, is requesting a Conditional Use Permit (CUP) to authorize the continued sale of beer and wine for off-site consumption at an existing mini-market in the C-2 (Neighborhood Business) Zone pursuant to County Code Section 22.28.160.
2. **HEARING DATE.** January 21, 2014
3. **PROCEEDINGS BEFORE THE HEARING OFFICER.** A duly noticed public hearing was held on January 21, 2014 before the Regional Planning Hearing Officer. The property owner, Raymundo Carreno and his daughter, Jessica Carreno, were present at the hearing to answer questions. The hearing officer, Alex Garcia, stated that the residences were legal nonconforming uses with no expiration and as such did not need to be included in the CUP. He asked the owner if he would be fine to have the request to include the residences as part of the CUP to be withdrawn. The owner agreed. Mr. Garcia asked if the mini-market structure was nonconforming due to standards. Staff informed the hearing officer that the mini-market structure was nonconforming due to setback requirements because of the standards put into effect through the Florence-Firestone CSD in 2004. Staff further clarified that the nonconforming structure is subject to amortization. Because the structure may amortize in 20 years, the hearing officer changed the grant term in condition No. 8 from 15 years to 10 years. The applicant would need to file a nonconforming review permit at the end of the amortization period. However, the CUP request for the sale of alcohol was not related to the nonconforming status of the structure. The hearing officer also changed condition 17, to replace the wording of "within sixty (60) days" with the date of "March 21, 2014" as the deadline to submit copies of a modified Exhibit "A" to Regional Planning if changes are required as a result of instruction given at the public hearing.
4. **PROJECT DESCRIPTION.** The project is a request for a conditional use permit to allow the continued sale of beer and wine for off-site consumption (ABC license Type 20) at an existing mini-market in the C-2 (Neighborhood Business) Zone. The hours of sale for the beer and wine are the same as the business hours of the store: 8am to 10pm, seven days a week.

The project site consists of a 756-square-foot mini-market with an attached 387-square-foot residential bungalow, which together occupy a 1,143-square-foot building that fronts Holmes Avenue. Behind the mini-market/bungalow and to the east on the property is a 484-square-foot detached two-car garage. To the east of the detached garage at the rear of the property is a 644-square-foot single-family residence. According to Assessor's records, the mini-market and bungalow were built in 1927, prior to the establishment of the Building Code in 1933. The detached

garage and single-family residence were built in 1956, both with building permits. The mini-market, two residences, and detached garage are located on a single 3,611.5-square-foot parcel. The detached garage and single family residence have access to East 67<sup>th</sup> Street through a 60-foot legally established easement that runs through the east side of the adjoining property to the south.

The market sold beer and wine for many years prior to 1992, but had a period of not selling any alcohol during the early to mid-1990s. As this period exceeded three months, pursuant to County Code Section 22.56.195(A), the owner was required to obtain a conditional use permit to be allowed the sale of alcohol. The current owner bought the property and market in 1994 and subsequently applied for a conditional use permit to allow the sale of beer and wine for off-site consumption, which he obtained in 1996 as CUP 96030 and it expired on May 15, 2006. There is only one change from the previously approved CUP, that being that the store hours would change from 8am – 8:30pm to 8am -10pm. In the Florence-Firestone Community Standards District, adopted in 2004, pursuant to Code Section 22.44.138.D.4.d.vii, the hours of operation for commercial uses in a mixed residential/commercial use (C-2 Zone) shall be no earlier than 7:00a.m. and no later than 10:00 p.m. daily. The proposed hours for the minimarket and the sale of alcohol are in conformance with this requirement. No improvements are proposed for the site.

5. **LOCATION.** The subject mini-market is located at 6618 Holmes Avenue, Florence-Firestone, within an unincorporated area of Los Angeles County.
6. **EXISTING ZONING.** The subject property is zoned C-2 (Neighborhood Business) and is located within the Florence-Firestone CSD. Properties to the north are zoned C-2 and M-1 (Light Manufacturing). Properties to the east are zoned R-4 (Unlimited Residence) and M-1. Properties to the South are zoned C-2 and R-4. Properties to the West are zoned C-2 and R-4.
7. **EXISTING LAND USES.** The subject property is developed as a mixed-use with a market and residential unit sharing a common wall in a single one-story building. There is also a separate single-family residence and a detached garage located on-site. Properties to the north are single-family residences, market, bakery, meat market, and a church. Properties to the south are single-family and multi-family residences. Properties to the east are single-family and multifamily residences, auto-mechanic, and warehouses. Properties to the west are single-family and multifamily residences and a retail store.
8. **PREVIOUS CASES/ZONING HISTORY.** Assessor's records indicate the market and attached bungalow were built in 1927. In 1948, Building Permit 3682 was issued to repair fire damages to the store and attached bungalow. In 1956, Building Permit 1089 was issued to build the single-family residence at the rear of the property and Building Permit 0792 was issued to build the detached two-car garage.

The single-family residence and the detached garage take their only access through a 60 foot easement to 67<sup>th</sup> Street, which passes through the eastern portion of the adjoining property to the south, 6622 Holmes Avenue (APN 6009-022-007). This easement was created in 1969 when the owner at the time sold the 6622 Holmes Avenue property and expressly reserved the 60 foot easement over the eastern portion of the sold property to favor the subject property. In 2012, the easement was reaffirmed in court through a Settlement and Release Agreement entered into by the owners of both properties.

In 1996, Conditional Use Permit 96-030 was issued to allow the sale of beer and wine for off-site consumption and it expired on May 15, 2006.

9. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.** The project site is located within the High Density Residential land use category of the Countywide General Plan. This designation is intended for medium and high-rise apartments and condominiums, three or more stories in height, with the intent to provide for high density residential development in appropriate locations, conveniently accessible to, or within multipurpose urban centers. This designation allows density to exceed 22 units per gross acre. The two residential units are consistent with this land use category as the two residential units on a 3,611.5 square foot parcel is the equivalent density of 24 units per gross acre.

The mini-market was established in 1927 and pre-dates the General Plan. However, the following policies of the existing Land Use Element support the continuation of the neighborhood mini-market and the sale of alcohol

- *Policy 9. Promote neighborhood commercial facilities which provide convenience goods and services and complement community character through appropriate scale, design and locational controls.*
- *Policy 24. Promote compatible land use arrangements that reduce reliance on the private automobile in order to minimize related social, economic and environmental costs.*

The mini-market has been serving the local residential neighborhood for 85 years. At 756 square feet, it is of an appropriate scale for a neighborhood market. The sale of beer and wine for off-site consumption would be an added convenience and service that the market would provide for the local neighborhood.

The convenience and service of the sale of beer and wine as well as other convenience goods at the mini-market reduces the number and distance of vehicle trips for residents in the local neighborhood by providing this service at a neighborhood size store within a walkable or short-drive distance from their home.

A neighborhood market is consistent with the General Plan Land Use Element General Conditions and Standards for Development, which provides guidance for the provision of Locally Serving Commercial and Industrial Services that are not

mapped on land use maps. These services are defined as individual enterprises, or small scale multi-use centers, serving the needs of the local community by providing neighborhood or community convenience goods and services.

The guidelines related to the location of Locally Serving Commercial Services include:

- 1. The proposed use should be easily accessible and situated at community focal points such as major intersections; and,*
- 2. The proposed use should not disrupt existing residential neighborhoods nor conflict with established circulation patterns.*

The existing mini-market was legally established in its time and meets these guidelines. The mini-market serves the surrounding neighborhood and provides an essential service to local residents, and is located at an easily accessible, major intersection in the community.

10. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.** The mini-market is a by-right use in the C-2 Zone and was built legally in 1927 prior to the establishment of the building code in 1933. The residences were built legally and have nonconforming status that does not expire. The bungalow was built legally in 1927 prior to the establishment of the building code in 1933. The single family residence was legally built in 1956 under Building Permit 1089.

The project complies with the lot coverage requirement. The net area occupied by all buildings is 63 percent, which is below the maximum 90 percent lot coverage allowed in a commercial zone. The detached parking garage, built in 1956 under Building Permit 1089, provides two covered off-street parking spaces for the single family residence. There is no parking provided for the mini-market or its attached bungalow. However, these structures were legally built in 1927, before parking requirements. Due to the small size and width of the subject parcel, it is physically impossible to provide on-site parking for these uses. Therefore, while the project site does not meet parking requirements, it is considered legal, nonconforming. Over ten years ago, the owner applied for and received permission to have two green curb side parking spaces (temporary 30-minute marked) on Holmes Avenue located directly in front of the mini-market to create a high turn-over rate of parking in front of the store.

The subject property does not meet the Florence-Firestone CSD yard requirements for mixed-use development, which is 15 feet in the front, 5 feet in the interior sides, and 15 feet in the rear. It also does not meet the mixed-use development standard that states that any common wall between a residential and commercial use shall be constructed in accordance with building code requirements to minimize noise and vibration between the uses. The development on the property predates the adoption of the Florence-Firestone CSD, which was approved in 2004, and the market structure is still in the amortization period before

it requires a nonconforming review and as such is considered legal, nonconforming.

11. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.** The market and on-site residences are compatible with the existing community character and development pattern along Holmes Avenue, which is a street with a mixture of residences (both single and multi-family) and commercial uses, which include a bakery, a meat-market, a market, and a retail shop. The market does not meet current development standards in regards to parking, landscaping, and setback requirements; however, it was approved to the standards of its day, and therefore, is legal, nonconforming. The project site is adequately served by existing utility and street infrastructure. There are no proposed improvements to the establishment, so the aesthetic character of the neighborhood will not change.

The market's request for the sale of beer and wine for off-site consumption will not adversely affect the surrounding community or general welfare of the area. There is one sensitive use, a church, that is located within 600 feet of the subject property. In addition, the primary purpose of the market is to sell non-alcoholic convenience goods. No more than five percent of the shelf space will be devoted to the sale of beer and wine. In addition, the church is buffered from the market by 66<sup>th</sup> Street. So this use will not have an impact on the church.

There are two establishments within 500-feet of the project that have a license to sell alcohol. One establishment, Holmes Meat Market, has a Type 20 license for the off-site sale of beer and wine. The other establishment, A&J Market, has a Type 21 license for the off-site general sale of alcohol. Per County standards, the location of other uses that sell alcohol for off-site consumption within 500 feet of the proposed project results in an overconcentration of alcohol permits in the area and requires a finding of public convenience and necessity. This market has been part of the community for 85 years and less than five percent of its shelf space will be dedicated to the sale of beer and wine. Its primary sales are non-alcoholic convenience goods. The sale of beer and wine will provide local residents with a more complete shopping service within one location in their neighborhood without having them travel to a farther location to make purchases, which makes it a public convenience and necessity to the neighborhood.

12. **COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS.** The Century Sheriff Station reports that there have been no calls for disturbance-type incidents at the property during the past five years. The station recommends the granting of a permit to sell beer and wine at the market.
13. **OTHER AGENCY COMMENTS AND RECOMMENDATIONS.** Statistical data from the California Department of Alcoholic Beverage Control (ABC) shows that the site is within an area that has an undue concentration of alcohol sales. The subject site is within Census Tract 5330.02. Seven ABC licenses exist in an area where three are authorized. The number authorized is based on a ratio of licenses per

population and can be exceeded if the local governing body determines that it provides a public convenience or necessity.

14. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
15. **PUBLIC COMMENTS.** Staff has not received any comments at this time.

**CONDITIONAL USE PERMIT SPECIFIC FINDINGS**

16. The two residential units were built legally and have a nonconforming status that does not expire. The mini-market has been existence for 85 years and serves as a neighborhood commercial facility which provides convenience goods and services and complements community character through appropriate scale, design, and location. It therefore is supported by Policies 9 and 24 of the existing Land Use Element as well as the provision of Locally Serving Commercial and Industrial Services that are not mapped on land use maps. Therefore, the sale of beer and wine for off-site consumption at the existing mini-market and the maintenance of two dwelling units in the C-2 Zone are consistent with the adopted general plan for the area.
17. The market and on-site residences are compatible with the existing community character and development pattern along Holmes Avenue, which is a street with a mixture of residences (both single and multi-family) and commercial uses. The structures on-site have been in existence for over 50 years and there are no proposed improvements. The primary purpose of the market is to sell non-alcoholic convenience goods. No more than five percent of the shelf space will be devoted to the sale of beer and wine. In the past five years there have been no calls for disturbance to the Century Sheriff's Station for this property. Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
18. The project site is not adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22; however, all structures were built legally at the time and therefore are legal, nonconforming.
19. The project site is an existing mini-market and two residential units and does not propose any new construction. Therefore, the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

20. There is one sensitive uses that is located within 600 feet of the subject property: a church. The primary purpose of the market is to sell non-alcoholic convenience goods. No more than five percent of the shelf space will be devoted to the sale of beer and wine. The Century Sheriff Station reports that there have been no calls for disturbance-type incidents at the property during the past five years. In addition, the church is buffered from the market by 66<sup>th</sup> Street to the south. Therefore, the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius.
21. The mini-market is located in a neighborhood that is mixed with commercial and residential uses. The mini-market provides convenience goods and services to the residential uses it is surrounded by and complements community character through appropriate scale, design, and location. The primary purpose of the market is to sell non-alcoholic convenience goods. No more than five percent of the shelf space will be devoted to the sale of beer and wine. There have been no calls for disturbance-type incidents at the property during the past five years. Therefore, the requested use at the proposed location will not adversely affect the residential uses within the immediate vicinity.
22. There are two establishments within 500-feet of the project that have a license to sell alcohol. Pursuant to Title 22 of the County Code, the presence of another facility selling alcoholic beverages for off-site consumption within 500 feet is construed as overconcentration, which requires a finding of public convenience and necessity and shelf space devoted to the sale of beer and wine to be limited to not more than five percent of the total shelf space in the establishment.
23. The sale of beer and wine at the mini-market is a public convenience and necessity and provides an economic service to the community and will take place in a neighborhood market that provides a variety of convenience goods and services to the local residents. Therefore, the requested use at the proposed location will not adversely affect the economic welfare of the nearby community.
24. The project site is located in an existing mini-market and no new construction is proposed. Therefore, the exterior appearance of the structure is not inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood. The structures have been maintained to not cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

#### **ENVIRONMENTAL DETERMINATION**

25. The project is a request for a permit to sell on-site alcoholic beverages as an accessory use to an existing mini-market in a C-2 zone. Therefore, the project



qualifies for the Class I – Existing Facilities Categorical Exemption and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

26. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to 10 years.
27. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13<sup>th</sup> Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

WITH RESPECT TO THE CONDITIONAL USE PERMIT:

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That all on-site structures were built according to the laws of their day and are legal, nonconforming; and
- D. That the site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required; and

WITH RESPECT TO ALCOHOLIC BEVERAGE SALES:

- E. That the requested use at the location will not adversely affect the use of a placed used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius; and
- F. That the requested use at the location will not adversely affect the residential uses within the immediate vicinity.

- G. That the mini-market provides convenience goods and serves to the local neighborhood and that the shelf space devoted to the sale of beer and wine shall be limited to not more than five percent of the total shelf space in the establishment outweighs the fact that it is located within a 500-foot radius of any other facility selling alcoholic beverages.
- H. That the requested use at the proposed location will not adversely affect the economic welfare of the nearby community; and
- I. That the exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

THEREFORE, the information submitted by the applicant and presented at the public hearing/meeting substantiates the required findings for a Conditional Use Permit and alcoholic beverage sales as set forth in Sections 22.56.090 and 22.56.195 of the Los Angeles County Code (Zoning Ordinance).

**HEARING OFFICER ACTION:**

- 1. The Hearing Officer determines that the project is exempt from the California Environmental Quality Act pursuant to the Class 1 – Existing Facilities categorical exemption.
- 2. In view of the findings of fact and conclusions presented above, Conditional Use Permit 200600065 is Approved subject to the attached conditions.

**ACTION DATE: January 21, 2014**

MKK:SCT  
1/21/14

c: Hearing Officer, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL  
COUNTY OF LOS ANGELES  
PROJECT NO. R2006-00968-(2)  
CONDITIONAL USE PERMIT NO. 200600065**

**PROJECT DESCRIPTION**

The project is a request for a CUP to allow the continued sale of beer and wine for off-site consumption (ABC license Type 20 – Off Sale, Beer and Wine) at an existing mini-market in the C-2 (Neighborhood Business) Zone located at 6618 Holmes Avenue within the unincorporated community of Florence-Firestone. No new construction or expansion of the mini-market or residences is proposed with this application. This grant is subject to the following conditions of approval:

**GENERAL CONDITIONS**

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the

costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on January 21, 2024.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, the continued sale of beer and wine at the mini-market and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a

violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **eight biennial (one every other year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal

decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by March 21, 2014.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

**PERMIT SPECIFIC CONDITIONS - CONDITIONAL USE PERMIT (SALE OF ALCOHOLIC BEVERAGES)**

19. The conditions of this grant shall be retained on the premises at all times and shall be immediately produced upon request of any County Sheriff, Zoning Inspector or Department of Alcoholic Beverage Control agent. The manager and all employees of the facility shall be knowledgeable of the conditions herein.
20. Loitering shall be prohibited on the subject property, including loitering by employees of the subject property. Signage in compliance with Section 22.52 Part 10 of the County Code shall be placed on the premises indicating said prohibition. Employees shall be instructed to enforce these regulations and to call local law enforcement if necessary.
21. The permittee, and all managers and designated employees of the establishment, who directly serve or are in the practice of selling alcoholic beverages, shall participate in the LEAD (Licensee Education on Alcohol and Drugs) Program provided by the State of California Department of Alcoholic Beverage Control. All new designated employees shall be required to attend. The licensee shall display a certificate or plaque in a publicly accessible area of the establishment such as the lobby, indicating they have participated in this program. Proof of completion of the facility's training program by employees, the licensee and all managers shall be available upon request.
22. The permittee shall not advertise the sale of alcoholic beverages on the exterior of any structure on the subject property including windows, walls, fences or similar structures.

23. All regulations of the State of California prohibiting the sale of alcoholic beverages to minors shall be strictly enforced.
24. The permittee shall post or otherwise provide telephone numbers of local law enforcement agencies and taxicab companies at or near the cashier, or similar public service area. Such telephone numbers shall be visible by and available to the general public.
25. This grant authorizes the sale of alcoholic beverages from 8a.m. to 10p.m., seven days a week.
26. The consumption of alcoholic beverages shall be prohibited on the subject property. The permittee shall post signage on the premises prohibiting consumption of alcoholic beverages on the premises.
27. No display of alcoholic beverages shall be made from an ice tub.
28. The permittee shall display alcoholic beverages only in the cooler or shelving designated for storage of said beverages as depicted on the "shelf plan" labeled Exhibit 'A'. No additional display of alcoholic beverages shall be provided elsewhere on the premises.
29. The licensed premises shall have no coin operated amusements, such as pool tables, juke boxes, video games, small carousel rides or similar riding machines, with the exception of official State Lottery machines.
30. No alcoholic beverages shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler.
31. The beer in containers of 16 ounces or less shall not be sold by single container, but must be sold in manufacturer pre-packaged multi-unit quantities. The permittee shall post signs on the coolers and cashier station stating the selling of single containers of beer is prohibited.
32. There shall be no wine, with the exception of wine coolers, sold in containers of less than 750 milliliters. No miniatures of any type may be sold. Wine coolers shall not be sold in less than four-pack quantities.
33. No malt liquors and/or malt based products with alcoholic content greater than five percent by volume shall be sold.
34. The permittee shall provide adequate lighting above all entrances and exits to the premises.
35. All lighting required by this grant shall be of sufficient power to illuminate and make easily discernable the appearance and conduct of all persons within lighted areas during operating hours and shall be designed so as to direct light and glare only

onto the facility premises. Said lighting and glare shall be deflected, shaded and focused away from all adjoining properties.

36. The sale of fortified wines shall be prohibited;
37. All litter and trash shall be collected regularly from the premises and the adjacent right-of-way.